

Notice of Allowability

Application No.

10/781,077

Examiner

Robert P. Swiatek

Applicant(s)

FABIAN ET AL.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request for reconsideration filed 6-11-07; telephone interview of 7-2-07.
2. ☒ The allowed claim(s) is/are 2,3,5-10,12-16,18,20-22 and 29-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7-2-07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 3643

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Barry L. Kelmachter on 2 July 2007.

The application has been amended as follows: In claim 3, line 6, the phrase "a fire retardant material" has been changed to ~~–fiberglass–~~; claim 4 has been canceled; in claim 21, lines 7, 8, the phrase "and a fire resisting material in said cells" has been changed to ~~–having solely fiberglass therein–~~; claims 23-28 have been canceled; in claim 29, line 12, the phrase ~~–~~, said core means comprising a honeycomb cell structure formed from a fire retardant material, said honeycomb cell structure having a plurality of cells each filled with fiberglass– has been inserted between "fire" and the comma; claim 32 has been canceled; in the abstract, line 1, "is provided" has been deleted.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The claims in this application have been allowed because the prior art does not disclose a helicopter comprising a self-extinguishing composite structure in the form of a core of honeycomb cells filled with a fiberglass material and having plies of structural graphite prepreg material—or means for

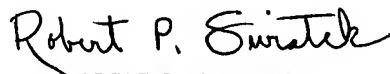
Art Unit: 3643

forming exterior and interior structural surfaces—bonded to surfaces of the core. United States patent 4,687,691 to Kay discloses a helicopter with “interior panels; skin panels and equipment supports” formed from a sheet of honeycomb embedded within layers of foam. While US 6,156,146 to Cundiff discloses that a structure of graphite prepreg plies bonded to a *fiberglass* honeycomb core filled with cured foam is a known material for aircraft parts, combining the graphite plies of Cundiff with the Kay composite structure, absent remaining components of the Cundiff structure, is not believed obvious to one skilled in the art and, moreover, would not result in the claimed invention. Such a hypothetical structure would not be demonstrably self extinguishing nor would the cells themselves contain a fiberglass material, as claimed. A further reference employing fiberglass macrospheres in a thermal insulation composition adds nothing to the debate.

Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

This case is being passed to issue with allowed claims 2, 5, 10, 3, 20, 6-9, 12-16, 18, 22, 21, 29-31, renumbered as claims 1-20.

RPS: 571/272-6894
2 July 2007


ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 3643